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January 8, 2020

**VIA ECF**

The Hon. Cynthia M. Rufe  
United States District Court  
Eastern District of Pennsylvania  
James A. Byrne Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: *In re Generic Pharmaceutical Pricing Antitrust Litig.*, No. 16-2724 (E.D. Pa.).

Dear Judge Rufe:

The undersigned counsel (collectively, “Defendants”) write regarding the upcoming January 9, 2020, Leadership/Liaison-Only Status Conference. The Joint Proposed Agenda for the January 9 Conference, Dkt. 1182, includes a “Status Update re Bellwether/Sequencing of Cases.” The potential use and selection of “bellwether” actions, and/or the sequencing of actions for trial, raise extraordinarily important issues in this case.

As the Court is aware, however, the Defense Liaison Counsel who will be present on January 9 do not have authority to represent the interests of, or advocate on behalf of, each individual Defendant on issues that impact the substantive and procedural rights of all Defendants in the case. *See* Pretrial Order No. 22, Dkt. 343 (designating liaison counsel to perform purely administrative functions). The potential use and selection of bellwether actions, or the sequencing of actions for trial, certainly qualify as substantive issues affecting all Defendants. Moreover, individual Defendants are differently situated, and their interests and positions regarding these issues may differ.

As a result, any discussion at the January 9 Conference related to the use or selection of bellwether cases, or the sequencing of actions for trial, should be strictly limited to an administrative “status update” regarding the process for considering potential selection criteria. Any substantive discussion—i.e., a discussion regarding the parties’ positions with respect to the use or selection of bellwether actions and/or the basis for those positions—should be reserved for a conference at which each Defendant has the opportunity to participate.

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Respectfully submitted,

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